

## **REMARKS**

Applicants will address each of the Examiner's rejections in the order in which they appear in the Final Rejection.<sup>1</sup>

### **Claim Rejections – 35 USC §103**

#### **Claims 28-31 and 40-43**

In the Final Rejection, the Examiner continues to reject Claims 28-31 and 40-43 under 35 USC §103(a) as being unpatentable over Zhang in view of Tabara. This rejection is respectfully traversed.

In order to advance the prosecution of this application and to clarify the structure of the claimed invention, Applicants have amended independent Claims 28, 34 and 40 to recite that the second insulating film is formed in contact with the second metallic layer, the first metallic layer and the first insulating film (see e.g. Fig. 1 and pages 10-11 of the specification).

Applicants do not believe that either of the cited references disclose or suggest this feature. For example the alleged second insulating film 117 in Zhang is formed in contact with alleged second metallic layer 115 but not in contact with a first insulating film or a first metallic layer. The other references do not show this deficiency. Accordingly, the claims are patentable over these references, and it is respectfully requested that this rejection be withdrawn.

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<sup>1</sup> Applicants have amended Claims 20 and 21 to correct informalities therein. These amendments are not in response to a rejection for patentability.

Claims 1-12, 19-24, 32-39 and 44-45

The Examiner also rejects Claims 1-12, 19-24, 32-39 and 44-45 under 35 USC §103(a) as being unpatentable over Zhang '701 in view of Tabara and further in view of Fukunaga. This rejection is respectfully traversed.

In order to advance the prosecution of this application, Applicants have amended independent Claims 1, 7 and 19 in a manner similar to that of Claims 28, 34 and 40 discussed above to recite that the second insulating film is formed in contact with the second metallic layer, the first metallic layer and the first insulating film.

As explained above, these features are not disclosed or suggested by any of the cited references. Hence, the claims are patentable over these references, and it is requested that the rejection over these references be withdrawn.

For at least the above-stated reasons, it is respectfully submitted that the claimed invention is patentable over the cited references, and it is requested that the §103 rejections be withdrawn.

Conclusion

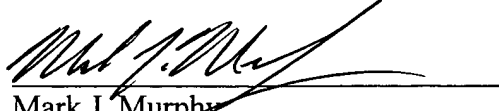
It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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